

Amendment
U.S. Appl. No.: **10/544,209**
Attorney Docket No. **052731**

REMARKS

By the above amendment, the specification has been amended to insert subsection titles.

Claim 1 has been amended to be presented with separate paragraphs and to improve the claim language as follows:

- “such as, for example” replaced by “including”
- “the latter” replaced by “the vehicle”
- “this” replaced by “said”
- “when appropriate” deleted
- “making it possible in particular” replaced by “so as to perform at least one of the following”
- “its speed” replaced by “the speed of the vehicle”
- “or” replaced by “and” on the last line

Claims 4, 6, and 13 have been amended to recite that “g is the acceleration of gravity” and “ $\gamma_{longisensor}$ is the value of the longitudinal deceleration provided by the sensor of the longitudinal deceleration of the vehicle” in claims 4 and 6, respectively, and to present claim 13 with separate paragraphs and modify the claim language as follows:

- “maintains the dynamic and/or static braking device” replaced by “maintains at least one of the dynamic and static braking devices,”
- “when the vehicle is stopped” replaced by “when the vehicle is already stopped,”

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- “with this lever in the dead center or neutral position” replaced by “with this lever already in the dead center or neutral position”

Support for the added recitations is found in common knowledge of physics (claim 4) and the original specification, in particular on page 14, lines 18-19 (claim 6) and page 14, lines 10-16 (claim 13).

The dependent claims have been amended in conformity with the changes to claim 1.

Also, claims 2-3 and 14 have been amended to delete the clauses introduced by “for example” and “such as,” respectively, and new claims 15-17 have been added for these respective clauses.

Claims 1-17 are pending in the present application. Claim 1 is the only independent claim.

In the Office Action, the specification is objected to as lacking subsection titles.

The specification has been amended to insert subsection titles. Accordingly, it is submitted that the objection should be withdrawn.

Next, in the Office Action, claim 1 is objected to as including “numerous indefinite terms,” claims 4, 6, and 13 are also objected to as allegedly not explaining “g,” “ γ longisensor,” and whether the piloting device maintains or does not activate the dynamic and/or static braking, respectively.

Claims 1, 4, 6, and 13 have been amended to modify the claims language as suggested in the Office Action.

In view of the above, it is submitted that the objections should be withdrawn.

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Next, in the Office Action, claims 1-3, 7-9, and 11-14 are rejected under 35 U.S.C. 102(e) as anticipated by US20050173977 to Fischer (“Fischer”).

Reconsideration and withdrawal of the rejection is respectfully requested. Fischer is a publication of a US application which is a national stage of a PCT application PCT/EP03/02782. This PCT application was published as WO2003097421A1 on November 27, 2003 in the German language. Accordingly, Fischer does not have a date of entry into the prior art under section 102(e).

It is noted that the US publication to Fischer US20050173977 has an effective date under section 102(a) on its US publication date of August 11, 2005. Further, the PCT application to Fischer has an effective date under section 102(a) on its PCT publication date of November 27, 2003.

In contrast, the present application has a PCT filing date on February 6, 2004 and claims priority of French application No. 0301487 filed on February 7, 2003. Further, the present claims are fully supported in the priority application, as evidenced by the certified English translation which is submitted with this paper, namely, the specification of the priority application is substantially identical to the present specification, and in particular, the claims are identical.

In summary, the priority claim in the present application is perfected, and Fischer is not applicable against the present claims.

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

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In the event there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 502759.

Respectfully submitted,

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